B 5 (Official Form 5) (12/07)

5 (Official Form 5) (12/07)					
UNITED STATES BANKRUPTCY COURT			INVOLUNTARY		
Eastern District	of New York		PETITION		
IN RE (Name of Debtor – If Individual: Last, First, M	fiddle)		ES used by debtor in the last 8 years aiden, and trade names.)		
Beyer Farms, Inc.		(merade married, ma	anden, and trade names.)		
Last four digits of Social-Security or other Individual' (If more than one, state all.): 11-2442734	s Tax-I.D. No./Complete EI	N			
STREET ADDRESS OF DEBTOR (No. and street, ci	ty, state, and zip code)	MAILING ADDRE	SS OF DEBTOR (If different from street address)		
156-02 Liberty Avenue Jamaica, New York 11433					
COUNTY OF RESIDENCE OR PRINCIPAL PLACE Queens County					
·	ZIP C0		ZIP CODE		
	11433	3			
LOCATION OF PRINCIPAL ASSETS OF BUSINES	SS DEBTOR (If different from	om previously listed address	ses)		
CHAPTER OF BANKRUPTCY CODE UNDER WH	ICH PETITION IS FILED				
Chapter 7 ☐ Chapter 11					
INFOR	MATION REGARDING I	DEBTOR (Check applicable	le boxes)		
Nature of Debts		f Debtor	Nature of Business		
(Check one box.) Petitioners believe:	☐ Individual (Includes Jo ☐ Corporation (Includes		(Check one box.) Health Care Business Single Asset Real Estate as defined in		
□ Debts are primarily consumer debts	□ Partnership		11 U.S.C. § 101(51)(B) Railroad		
Debts are primarily business debts	 Other (If debtor is not check this box and sta 	one of the above entities, te type of entity below.)	☐ Stockbroker☐ Commodity Broker		
			□ Clearing Bank ✓ Other		
VENUE			FILING FEE (Check one box)		
VENUE					
Debtor has been domiciled or has had a residence, place of business, or principal assets in the District		Full Filing Fee attache	ed		
days immediately preceding the date of this petition	n or for		Petitioner is a child support creditor or its representative, and the form		
a longer part of such 180 days than in any other Dis	strict.		specified in § 304(g) of the Bankruptcy Reform Act of 1994 is attached. a child support creditor or its representative is a petitioner, and if the		
☐ A bankruptcy case concerning debtor's affiliate, ge partner or partnership is pending in this District.	eneral		pecified in § 304(g) of the Bankruptcy Reform Act of		
PENDING BANKRUPTCY CASE FILED BY OR AGAINST ANY PARTNER					
OR AFFILIATE OF THIS DEI					
Name of Debtor	Case Number		Date		
Relationship	District		Judge		
ALLEGAT			COURT USE ONLY		
(Check applicable boxes)			COOKI OSE ONET		
 Petitioner (s) are eligible to file this petition pursuant to 11 U.S.C. § 303 (b). The debtor is a person against whom an order for relief may be entered under title 11 of the States Code. 					
3.a. The debtor is generally not paying such debtor's debts as they become due, unless such debts are the subject of a bona fide dispute as to liability or amount;					
b. Within 120 days preceding the filing of this petition, a custodian, other than a trustee receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.					

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Name of Debtor_Beyer Farms, Inc.

Case No.__13-_____

	TRANSFER Or a transfer of any claim against the statements that are required under I	ne debtor by or to any petitioner.	Attach all documents that	
REQUEST FOR RELIEF Petitioner(s) request that an order for relief be entered against the debtor under the chapter of title 11, United States Code, specified in this petition. If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting ecognition is attached.				
Petitioner(s) declare under penalty o correct according to the best of their	f perjury that the foregoing is true and knowledge, information, and belief.			
x /s/ Alex Madrazo		x /s/ Shmuel Vasser	05/01/2013	
Signature of Petitioner or Representa Tuscan/Lehigh Dairies, Inc.	ntive (State title) 05/01/2013	Signature of Attorney Date Shmuel Vasser, Dechert LLP		
Name of Petitioner	Date Signed	Name of Attorney Firm (If any) 1095 Ave. of the Americas, New York, NY 10036		
Name & Mailing Address of Individual Signing in Representative Capacity	ing Alex Madrazo 2711 North Haskell Avenue, dividual Suito 3400 Address (212) 698-3500			
x /s/ Thomas A. Malave		x /s/ Joseph Paykin	05/01/2013	
Signature of Petitioner or Representative (State title) Bartlett Dairy, Inc. 05/01/2013		Signature of Attorney Date Joseph Paykin, Hinman, Howard & Kattell, LLP		
Name of Petitioner Name & Mailing Address of Individual Signing in Representative Capacity	Date Signed Thomas A. Malave, President 105-03 150th Street Jamaica, NY 11435	Name of Attorney Firm (If any) 185 Madison Avenue, 7th Address (212) 725-4423 Telephone No.	Floor, New York, NY 10016	
x /s/ Frank Wunderlick		x /s/ Stephen H. Kahn	05/01/2013	
Signature of Petitioner or Representational 584 Pension and Welfare True		Signature of Attorney Stephen H. Kahn, Kahn O	Date Date	
Name of Petitioner Date Signed		Name of Attorney Firm (If any) One Parker Plaza, Fort Lee, New Jersey 07024		
Name & Mailing Address of Individual Signing in Representative Capacity	Frank Wunderlich, Trustee 73 Hudson Street New York, New York 10013	Address (201) 402-6878 Telephone No.	e, New Jersey 07024	
	PETITIONING (
Name and Address of Petitioner Tuscan/Lehigh Dairies, Inc.		Nature of Claim Goods sold	Amount of Claim	
Name and Address of Petitioner		Nature of Claim	Amount of Claim	
Bartlett Dairy, Inc.		Delivery services	196,087.88	
Name and Address of Petitioner		Nature of Claim	Amount of Claim	
Local 584 Pension and Welfa	re Trust Funds	Contributions to employee funds	19,908,553.00	
penalty of perjury, each p	ee petitioners, attach additional sheets vetitioner's signature under the statement of the format above.		Total Amount of Petitioners' Claims 30,673,458.74	

continuation sheets attached

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Annex A

The claim amount was reduced by \$8,911,529 representing Beyer Farms, Inc.'s material accounts receivables as of December 7, 2012 as reported by Beyer Farms, Inc.

UNIT	ED S	TATES	SBA	NKRUI	PTC	Y C	OURT	
FOR '	THE	EASTI	ERN	DISTR	ICT	OF	NEW	YORK

	X	
	:	
In re:	:	Chapter 7
BEYER FARMS, INC.,		Case No. 13-
	:	
Debtor.	:	
	:	
	\mathbf{x}	

STATEMENT REGARDING CORPORATE OWNERSHIP OF PETITIONING CREDITOR

The following entities directly or indirectly own 10% or more of any class of **Tuscan/Lehigh Dairies Inc.**'s equity interests:

	Name and Address	Percentage Owned
1.	Garelick Farms, LLC 1199 W. Central Street Franklin, Massachusetts 02038	100%
2.	Dean East, LLC 2900 Bristol Highway Johnson City, Tennessee 37601	100% owner of Garelick Farms, LLC
3.	Suiza Dairy Group, LLC 2711 North Haskell Avenue, Suite 3400 Dallas, Texas 75204	100% owner of Dean East, LLC
4.	Dean Foods Company 2711 North Haskell Avenue, Suite 3400 Dallas, Texas 75204	100% owner of Suiza Dairy Group, LLC

 $[\]Box$ There are no entities that directly or indirectly own 10% or more of any class of the corporation's equity interest.

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The undersigned is the representative of the petitioning creditor, Tuscan/Lehigh Dairies, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Tuscan/Lehigh Dairies, Inc.

Dated: May 1, 2013

Name: Alejandro D. Madrazo Title: Authorized Signatory UNITED STATES BANKRUPTCY COURT

X
:
: Chapter 7
: Case No. 13-
:
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X
G CORPORATE OWNERSHIP OF
ING CREDITOR
:
rectly own 10% or more of any class of Local 584 nterests:
meresis.
ndirectly own 10% or more of any class of the
etitioning creditor, Local 584 Pension and
egoing is true and correct.
egoing is true and correct.
Local 584 Pension and Welfare Frust Funds
Sept H. Na
Name: Stephen H. Kahn
Fitle: As Attorney
12012001100

		X
		:
In re:		
		:
BEYER FARMS, INC.,		:
		:
	Debtor.	:
		:
		X

HANTED CTATES DANIEDIDTOV COLDT

Tuscan/Lehigh Dairies, Inc., one of the petitioning creditors in this case ("Tuscan"), hereby represents and alleges as follows:

- 1. Concurrently with the execution and submission of this Partial Waiver of Claim, Petitioning Creditor is one of at least three (3) creditors to sign an involuntary bankruptcy petition naming Beyer Farms, Inc. ("**Debtor**") as a Chapter 7 debtor.
- 2. Debtor owes Petitioning Creditor, as of the filing date not less than \$19,480,346.86 ("Claim") which Claim is secured by inventory, accounts receivable and other assets of the Debtor.
- 3. Tuscan believes, after due inquiry, that the assets of the Debtor are insufficient to satisfy the Claim and that, therefore, Tuscan is undersecured.
- 4. To the extent, however, that there is any question whether Tuscan is a qualified creditor pursuant to Section 303(b) of the Bankruptcy Code with respect to the secured/unsecured status of its Claim, Tuscan hereby waives its right to its security interests in any assets of the Debtor up to, but not more than, the amount of \$10,000.00.

5.	Therefore, in conjunction with the other petitioning creditors acting together to
commence this	case, there is an aggregate of unsecured claims of over \$30 million, which
amount exceed	s the requirements of Section 303(b) of the Bankruptcy Code.

Dated: Dallas, Texas

May ______, 2013

Tuscan/Lehigh Dairies, Inc.

By: Alex Madarazo

Authorized Signatory

2711 North Haskell Avenue, Suite 3400

Dallas, Texas 75204

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK

www.nyeb.uscourts.gov

STATEMENT PURSUANT TO LOCAL BANKRUPTCY RULE 1073-2(b)

DEBTOR(S): Beyer Farms, Inc.	CASE NO.:
Pursuant to Local Bankruptcy Rule 1073-2(b), the concerning Related Cases, to the petitioner's best knowled	debtor (or any other petitioner) hereby makes the following disclosure ge, information and belief:
was pending at any time within eight years before the filin (ii) are spouses or ex-spouses; (iii) are affiliates, as defined in (v) are a partnership and one or more of its general partnership	es of E.D.N.Y. LBR 1073-1 and E.D.N.Y. LBR 1073-2 if the earlier case g of the new petition, and the debtors in such cases: (i) are the same; n 11 U.S.C. § 101(2); (iv) are general partners in the same partnership; ters; (vi) are partnerships which share one or more common general tement of either of the Related Cases had, an interest in property that 11 U.S.C. § 541(a).]
NO RELATED CASE IS PENDING OR HAS BEEN PI	
THE FOLLOWING RELATED CASE(S) IS PENDING	G OR HAS BEEN PENDING:
1. CASE NO.: JUDGE:	DISTRICT/DIVISION:
CASE STILL PENDING (Y/N): [If closed] Date	of closing:
CURRENT STATUS OF RELATED CASE:(Discharg	ed/awaiting discharge, confirmed, dismissed, etc.)
MANNER IN WHICH CASES ARE RELATED (Refer to	NOTE above):
REAL PROPERTY LISTED IN DEBTOR'S SCHEDULE SCHEDULE "A" OF RELATED CASE:	E "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED IN
2. CASE NO.: JUDGE:	DISTRICT/DIVISION:
CASE STILL PENDING (Y/N): [If closed] Date	of closing:
CURRENT STATUS OF RELATED CASE:	
(Discharg	ed/awaiting discharge, confirmed, dismissed, etc.)
MANNER IN WHICH CASES ARE RELATED (Refer to	NOTE above):
REAL PROPERTY LISTED IN DEBTOR'S SCHEDULE IN SCHEDULE "A" OF RELATED CASE:	E "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED

DISCLOSURE OF RELATED CASES (cont'd)

3. CASE NO.:	JUDGE:	DISTRICT/DIVISION:
CASE STILL PENDING	(Y/N): [If closed] Date	of closing:
CURRENT STATUS OF	RELATED CASE:	
	(Discharg	ged/awaiting discharge, confirmed, dismissed, etc.)
MANNER IN WHICH CA	ASES ARE RELATED (Refer to	NOTE above):
		E "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED
		who have had prior cases dismissed within the preceding 180 days be required to file a statement in support of his/her eligibility to file.
TO BE COMPLETED BY	Y DEBTOR/PETITIONER'S AT	TORNEY, AS APPLICABLE:
I am admitted to practice	in the Eastern District of New Y	Tork (Y/N):
CERTIFICATION (to be	signed by pro se debtor/petition	er or debtor/petitioner's attorney, as applicable):
I certify under penalty of time, except as indicated of		tcy case is not related to any case now pending or pending at any
		/s/ Shmuel Vasser
Signature of Debtor's Atto	orney	Signature of Petitioner's Attorney
		1095 Avenue of the Americas
		Mailing Address of Debtor/Petitioner
		New York, New York 10036
		City, State, Zip Code
		shmuel.vasser@dechert.com
		Email Address
		(212) 698-3500
		Area Code and Talanhana Number

Failure to fully and truthfully provide all information required by the E.D.N.Y. LBR 1073-2 Statement may subject the debtor or any other petitioner and their attorney to appropriate sanctions, including without limitation conversion, the appointment of a trustee or the dismissal of the case with prejudice.

 \underline{NOTE} : Any change in address must be reported to the Court immediately IN WRITING. Dismissal of your petition may otherwise result.

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